

Committee: LICENSING
Date: 5 July 2007
Agenda Item No:
Title: TEMPORARY EVENT NOTICE – SHANE TARLING
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Summary

- 1 This report is submitted for Members to decide whether or not to issue a “Counter Notice” in respect of a Temporary Event Notice given by Shane Tarling concerning an event to be held at Stansted Football Club on Friday 20 July 2007.
- 2 On 24 November 2005, the Licensing Act 2003 became operative and established a new licensing regime for the following licensable activities:-
 - (a) The sale of alcohol by retail
 - (b) The supply of alcohol to club members or on behalf of a club
 - (c) The provision of regulated entertainment
 - (d) The provision of late night refreshment
- 3 As part of the new regime, the Licensing Act 2003 established a process for holding a licensable activity with a minimum involvement of the Licensing Authority.
- 4 A premises user may serve a Temporary Event Notice where it is proposed to use the premises for providing one or more licensable activities for a period not exceeding 96 hours and for not more than 499 persons attending the venue.
- 5 A person holding a Personal Licence issued under the Act may serve up to 50 TEN’s in a calendar year. Non Personal Licence holders may serve up to 5 TEN’s in the same period. No premises may be used for more than 12 TEN’s in a calendar year or for more than 15 days in a calendar year. No premises may be used for temporary events that are less than 24 hours apart.
- 6 This process is designed to have an exceptional light touch and the Licensing Authority may only intervene of its own volition if the limits set out in the 2003 Act on the number of temporary event notices would be exceeded.
- 7 The person serving the notice must give 10 working days notice to the Licensing Authority and to the Chief Officer of Police. The police have 48 hours from receipt of the notice to consider what their response may be if the Chief Officer of Police considers that it may undermine the licensing objective that relates to the prevention of crime and disorder he is required to serve an

objection notice on the Licensing Authority. Such a notice has been served on the Licensing Authority and this initiates a hearing before Members.

- 8 On 26 June 2007, a Temporary Event Notice was received from Mr Shane Tarling in respect of an event scheduled to take place on 20 July 2007 at Stansted Football Club between the hours of 6.00 pm and 12 midnight. This event would take the form of a boxing tournament with the monies raised going to the MacMillan Cancer Trust.
- 9 On 28 June 2007, the Chief Officer of Police served on objection notice which is attached a background paper.
- 10 Currently, both the Chief Officer of Police and Mr Tarling have not reached a negotiated settlement and Members may wish to consider whether to issue a counter notice in connection with the promotion of the licensing objective which relates to the prevention of crime and disorder.
- 11 In dealing with such matters, only the Chief Officer of Police may object to the Temporary Event Notice solely on the licensing objective that relates to the prevention of crime and disorder.
- 12 In carrying out its statutory function for this type of event the Licensing Authority must promote the relevant licensing objective as outlined in paragraph 11 above.
- 13 The decision that the Committee can make is limited to determine whether or not a Counter Notice should be issued. The attachment of any conditions is not permitted.
- 14 When determining this matter then due regard should be given to the guidance issued by the Secretary of State in accordance with Section 182 Licensing Act 2003.

Background Papers: Temporary Event Notice
 Essex Police Counter Notice
 Location of Premises